

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

IN RE:
LETICIA MARTINEZ

CASE NO: 20-60251 - RBK

Debtor

CHAPTER 13

**TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S
PROPOSED CHAPTER 13 PLAN WITH PREJUDICE**

COMES NOW RAY HENDREN, the Chapter 13 Trustee in the above captioned case, and moves this Honorable Court to deny confirmation of Debtor's proposed Chapter 13 plan with prejudice. In support, the Trustee would represent to the Court the following:

1. Debtor(s) filed a voluntary petition on April 6, 2020. The meeting of creditors was held and concluded pursuant to Bankruptcy Code section 341 on May 12, 2020. The Confirmation hearing was scheduled for June 24, 2020 and the Plan was denied. Debtor(s) filed the amended Chapter 13 Plan ("Plan") on July 8, 2020 and Confirmation was reset to August 19, 2020. The amended plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral, and approximately 7% of each unsecured allowed claim.
2. Pursuant to the Order Withdrawing Prior Order to Appear and Show Cause dated May 13, 2020 and a prior Chapter 7, 18-60699 that has completed and discharged, the Trustee would show that the debtor is not eligible for Discharge pursuant to §1328(f)(1). Debtor has incurred unsecured debt since completion of the prior Chapter 7 and has only proposed an 7% plan. Debtor will still be responsible for these debts upon completion of this case.
3. Upon information and belief, the Debtor(s) have failed to file tax return for 2019. The Internal Revenue Service has filed a Proof of Claim that includes a priority liability the estimated 2019 return in the amount of \$2,636.80. The Trustee asserts the return should now be filed with the IRS since the extended July 15, 2020 deadline has now passed. The Trustee requests the Debtor(s) provide a copy of the return. Should the Debtor be entitled to a refund for 2019, then pursuant to Section 4.1 of the Chapter 13 Plan Form, Western District of Texas (effective for cases filed on or after November 1, 2017) states that the debtors will contribute any amount of their tax refund that exceeds \$2,000.00 and such amount shall increase the base accordingly. If the Debtors refund exceeds \$2,000.00, the Debtor is required to remit the amount that exceeds \$2,000.00 to the Trustee's lockbox. The Trustee asserts the base will be increased by this amount once the Plan has been confirmed.

WHEREFORE, PREMISES CONSIDERED, the Chapter 13 Trustee Ray Hendren prays that, absent Debtor obtaining plan confirmation, the Court enter an Order Denying Confirmation of the proposed Chapter 13 Plan which requires Debtor to dismiss or convert the case within 7 days of the date of the hearing or face dismissal of the case without the need for a further hearing upon the Trustee's submission of an Order Summarily Dismissing Case. The Trustee further prays for such other and further relief as appropriate.

Dated: August 03, 2020

Respectfully Submitted

/s/Ray Hendren

Ray Hendren, Chapter 13 Trustee
4505 Spicewood Springs Rd
Suite 205
Austin, Tx 78759
Main: (512)474-6309
Fax: (512)482-8424

**United States Bankruptcy Court
Western District of Texas
Waco**

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CERTIFICATE OF SERVICE

I, Ray Hendren, hereby certify that a true and correct copy of the attached document was served upon the following parties via electronic means as listed on the Court's ECF noticing system or by regular mail on **August 03, 2020**.

Leticia Martinez
2920 Old Robinson Rd.
Waco, TX 76706

Sherer & Associates PLLC
18756 Stone Oak Pkwy Suite 200
San Antonio, TX 78258

Linebarger Goggan Blair & Sampson LLP
Po Box 17428
Austin, TX 78760

Law Office Of Evan Simpson PLLC
3925-A S Jack Kultgen Fwy
Waco, TX 76706

Mccreary Veselka Bragg Allen
Po Box 1269
Round Rock, TX 78680

United States Trustee
903 San Jacinto
Suite 230
Austin, TX 79701

/s/ Ray Hendren

Ray Hendren
Chapter 13 Trustee
4505 Spicewood Springs Rd
Suite 205
Austin, Tx 78759